

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 28 JUL 2004

PCT POT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION See paragraph 2 below

International application No.
PCT/GB2004/001597

International filing date (day/month/year)
14.04.2004

Priority date (day/month/year)
15.04.2003

International Patent Classification (IPC) or both national classification and IPC
B32B5/08, B32B7/10, A41D27/24

Applicant
W.L. GORE & ASSOCIATES (UK) LIMITED

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the International application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2004/001597

Box No. II Priority

1. The following document has not been furnished:

- copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	7,25
	No: Claims	1-6,8-24
Inventive step (IS)	Yes: Claims	-
	No: Claims	1-25
Industrial applicability (IA)	Yes: Claims	1-25
	No: Claims	-

2. Citations and explanations

see separate sheet

Re Item V.

- 1 The following document is referred to in this communication:
D1 : EP 0 906 824 A (GORE W L & ASS GMBH) 7 April 1999 (1999-04-07)

2 INDEPENDENT CLAIMS 1 AND 24

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT. Document D1 discloses (the references in parenthesis applying to this document) a structure comprising (i) two multilayered pieces of fabric, comprising each a first layer comprising a waterproof, water-vapour-permeable layer, and a second knitted or woven layer laminated to said first layer and containing first and second components, the first component being stable up to a certain first temperature and the second component melting at a second temperature lower than said first temperature; and (ii) a waterproof seam seal tape adhering both said pieces of fabric on their respective knitted or woven layer's side, whereby the seam itself is of the same composition as the multilayered pieces of fabric. Both layers of each individual laminate piece of fabric are made from thermoplastic material. The use of said structure in the manufacture of high technology garments is as well disclosed therein (**claims 1-30; paragraphs 6-10,21-23,28-31,40,50**).

3 INDEPENDENT CLAIM 25

- 3.1 The subject-matter of claim 25 differs from D1 in that, in the present application, the seam structure is used in the manufacture of shelter, cover, bivouac bag or tent, whereas in D1, the use is limited to outwear garments. Thus, the subject-matter of claim 25 appears to be new in the sense of Article 33(2) PCT.
- 3.2 However, the skilled person would naturally contemplate the use of the structure of D1 when designing outdoor camping articles, since both fields are neighbouring. Thus, the subject-matter of claim 25 appears not to involve an inventive step in the sense of Article 33(3) PCT.

4 DEPENDENT CLAIMS 2-23

- 4.1 Dependent claims 2-23 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

5 FURTHER COMMENTS

- 5.1 The wording used in claim 1 is unclear and contravenes to the requirements set in Art.6 PCT: claim 1 refers to a seam formed between two pieces of a fabric, by describing the composition of one of said pieces. In other words, this claim not only defines the product itself but also specifies its relationship to a second product which seems not to be part of the claimed invention (since claim 1 relates to "a waterproof seam"). In view of the Applicant's interests, this Written Opinion is based on a clear re-formulation of the scope of the invention, that is a structure comprising a combination of said first and second products, here a multilayered structure comprising a seam seal tape and at least one laminated piece of fabric. The Applicant's attention is besides drawn to the fact that the scope of dependent claims 22 and 23 is especially unclear (Art.6 PCT).
- 5.2 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.